TARPAPER

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TARPAPER

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AL ODA

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To everyone who gave so generously of their time and energy to get this issue to press, a very special thanks!

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EDITORIAL POLICY

The name "Tarpaper" is derived from convict jargon and is meant to express dissatisfaction with a person, place, or thing. Since the editors have never met a satisfied convict it seems appropriate for this magazine to bear this title.

Tarpaper is published bi-monthly by the convicts of Matsqui Federal Institution. Only opinions expressed on the editorial pages are the opinions of the editorial staff. Other opinions are the view of the particular authors. The contents of the Tarpaper do not necessarily conform to the official views of either the Administration of Matsqui or the Solicitor General's Department.

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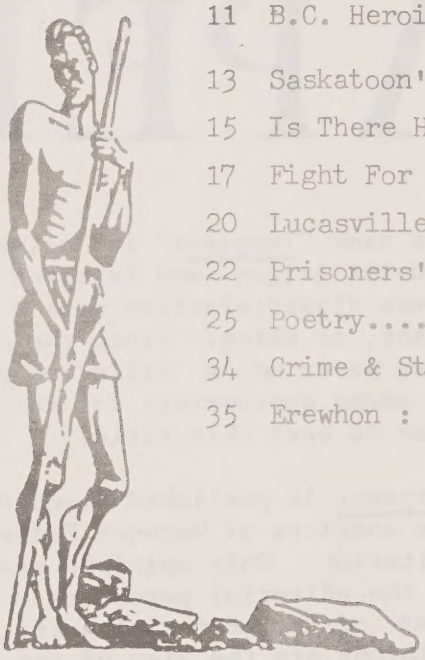


The opinions and comments expressed herein are entirely those of the Editorial Staff or designated contributor. They do not necessarily reflect the views of the Administration or Staff.

The restrictions imposed, by the Administration, on the material printed in this publication are similar to those governing the editorial content and policy of any "free" publication. We are at liberty to deal with all topics of interest and concern to the imprisoned, providing we maintain a healthy respect for the truth, be guided by the dictates of common sense and avoid the pitfalls of making statements that can't be substantiated with concrete proof.

Permission to reprint any articles or excerpts of articles herein published is cordially granted providing proper credit is given as to the origin of material.

Editorial

"I suspect that all the crimes committed by all the jailed criminals do not equal in total social damage that of the crimes committed against them."

Karl Wenninger M.D.

The penal system is slowly beginning to change. Gone are the days of hard labour, and the punching out of licence plates which so many people on the 'outside' identify prisons with.

Today, the prisoner tries to accomplish something for himself, be it a trade or graduating from university. The University of Victoria Program at the Matsqui Institution is proof of this. Who would have thought that one day a man serving time would dedicate himself to earn a degree while incarcerated.

Prisons do not rehabilitate, each individual must rehabilitate himself and this is done through his desires to better himself by learning a trade, or by enrolling in school and going on to earning a degree.

But, is this enough? After one goes through this, the rest is then left up to society as to whether or not he will be accepted. Society still hesitates to acknowledge the accomplishments by the individuals who have worked so hard so that they can try to find a place for themselves in the community. As we change, so must the people on the 'outside' if we are to establish that harmony needed for us to live together as good human beings. A man once said, "one man's crime represents every crime committed by every criminal." And unfortunately that is how the majority of the people on the 'outside' think. We are slowly breaking through that barrier, due to the incentives of a lot of people who do care what happens to us. One day, hopefully, that old cliche of "never trust a con" will be gone, and each of us upon our release will be recognized as 'real' people.

TARPAPER MAGAZINE would appreciate any type of feed-back regarding any of the articles. We realize no matter what is printed, it is very difficult to satisfy everybody as we all have our own preferences. I would therefore like to encourage your support through contributions of prose, poetry, critiques, exposes, humour, correspondence and subscriptions. Through your help, I will do my best to keep up the high standards of this magazine that have been established by our former editors.

I would like to thank all the people who helped get this edition of TARPAPER MAGAZINE to press. As this is my first edition, it has been quite an experience for me. The difficult task of reseach for suitable material was greatly simplified by those who gave their time and by those who submitted various articles.

In Court

Dear Editor:

I thought that the Louisiana ex-prisoner who sued the state for damages because he was not rehabilitated, had a very clever idea. I would like to suggest that more ex-prisoners and present prisoners try this tactic. Probably most prisoners will be forced to admit that they exist for punishment and not rehabilitation. When this situation occurs more people might become aware of the true reality of things and be willing to work for a change in the prison system and this society which supports the present prison system.

Eileen Weitzman
Urbana, Illinois

MAIL

The Editor,
Tarpaper Magazine.

Thank you for printing my letter in the form I sent it to you; that may sound a little "corny" nevertheless I think it is important that readers know your reproductions are accurate. This is just in case some may have thought before reading the letter:

(a) There are no paid work opportunities for inmates;

(b) No inmate could earn $2000.00 in twenty working days;
Well he did, and it was $2000.00.

Now, I would like to place a want ad in the Tarpaper.

Norm Baker,
Director - Forest Camp Programs,
Ferndale Institution.

Two categories of workers to do thinning and spacing.

(1) Minimum Security inmate workers not yet eligible for day parole. Piece work earnings available. A good man, Physically fit, motivated to work, and skilled to work can make $100.00 per week. There are twenty jobs available, and there will be more. The work is not easy, and until one has mastered the power saw, early earnings will likely be $50.00. Pay is proportional to output.

(2) Minimum Security inmate workers soon to be eligible for day parole; or currently eligible. Piece work earnings available. A trained man can make $250.00 per week. There are 20 jobs abailable; and there are frequent openings. An early application from qualified people could assure one of $10,000.00 net earnings after deductions in 10 months. Persons unwilling to work and wanting easy work situations need not apply.

Please note:

These options are not gifts and every man earns his money. Also, please direct your inquiries to Forestry Option, Ferndale Forestry Program, P.O. Box 50, Mission, B.C.

This letter was sent to the Georgia Straight and TARPAPER recieved consent from the Georgia Straight to re-print this letter.

Dear Georgia Straight,

After "existing" behind the walls of this barbarous institution since 1974, on the 22nd of February 1979, I breeched the walls of the B.C. Penitentiary and escaped. In doing so, I escaped from within a cancerous, bleeding, and pus-filled ulcer.

When the opportunity arose, I walked away from a place where one is stripped of all human dignity and identity, a place where there is no room to behave like a human being.

The prisoners at the B.C. Penitentiary have, by means of peaceful hunger strikes, work stoppages, petitions, and the not-so-peaceful riots, made desperate attempts to bring about better and less degrading conditions, all to no avail.

Although physical torture has declined to the odd beating of unruly prisoners, mental torture is at its peak. This is accomplished by the withholding of mail, the abusing of visitors' rights, malicious rumor mongering, and frequent use of solitary confinement.

Although deemed cruel and unusual punishment by the Supreme Court of Canada in 1975 solitary confinement is still used freely. To stand accused of any sort of infraction of the rules is synonymous to being found guilty, when processed through our bogus warden's court. We are not entitled to the due process of any kind of justice of law, only argitrary rule.

The Administration at the B.C. Pen knows quite well that any insurrection can be quashed with ease, and that the only people who pay for this are the prisoners themselves. It is almost as if these disturbances are planned and procurred and then dealt with accordingly. As if they dc not want us to just do our time and get it over with, but instead feel duty-bound to add to the sentence of confinement.

The Administration has managed — as if by a magical thermostat — to turn up the tension in the atmosphere to such a degree, so that now the baseball bat is not associated with the game, but with crushed skulls instead; razor blades for self-mutilation and knives for the butchering of human flesh.

All of these things combined make the B.C. Pen what it is today; the very heart of darkness within our so-called enlightened society.

I dc not ask the courts to condone my escape from that zoo, but only to understand that I, as much as any other human being, wish and am entitled to safeguard my own well-being and sanity!

Also I want to make it very clear that at no time, during or after this escape was there any violence used nor intended to be used.

Ricky Levesque
B.C. Pen.

[Rick was a former inmate at Matsqui Institution.]

CONJUGAL VISITS

Oda says to me, "write me about a thousand word, humorous story type essay on conjugal visits and be quick about it." Sure I say give me three or four weeks and you got it. No, he wants it by the weekend.

Conjugal - Webster Dictionary definition: The married state. Conjugal visits are visits between a man and a woman when one of the two is in prison. These visits are for the pupose of getting it on, and enjoying each other in the married state.

There are many benifits and draw-backs from everybody's point to view. I went to see Assisting Director of Inmate Programming Mr. D'Aquino to see what he had to say about conjugal visits. He stated that the Institution was waiting for a National Posture on this issue.

Interview with Mr. D'Aquino

Ques: Are conjugal visits allowed in Canada?

Ans: Rumors, there is a possibility they will be tried in Federal Prisons in the future.

Ques: What is your stand on conjugal visits?

Ans: We're waiting for national posture.

Ques: Do you think they would be benificial to the con?

Ans: Yes.

Ques: Would they be benificial to administration?

Ans: Yes.

Ques: Do you think it's fair to prisoners' spouses not to have them?

Ans: No comment.

Ques: Do you think they would be a deterant to homosexuality?

Ans: No comment.

Ques: How much would it cost to house conjugal visits here at Matsqui?

Ans: That depends on the scope of the thing.

Ques: If we had conjugal visits, who would get them?

Ans: I would think, only the married couples.

At this point of the interview, I made the comment - while most cons want them, some cons are dead set against them because they felt administration would have too much of a handle on them. This made Mr. D'Aquino laugh and say - talk about cutting your nose off tho spite your face. End of interview.

I'm taking English 115 at the University of Victoria Program and the topic of conjugal visits has been kicked around quite a bit in class. We've gone over the benifits and draw-backs from the prisoner's, his spouse, societies and administrations point of view. Everything from sex to heavy carrot action, and homosexuality to a whole night with your old lady.

After spending hours with a friend writing about the benifits and draw-backs of conjugal visits, we came to the conclusion that there is no way we can sum it up without lots of help, and quite a bit more time. The following will give you an idea of the problems we're facing.

Conjugal visits are coming. They are in Mexico. They are in the States. They will be coming to Canada. In a year or in five years, it's hard to say. But there is little doubt that they will come. Already rumors fly hither and thither about experimental programs soon to be set up or about some jail which is typically at the farthest point from Matsqui in Canada that already has them. They're coming alright but what are they going to be like? The questions and problems that arise when we consider them from the attitude and situations of different individuals can be extreme. Further and more important is the attitudes of those who will decide upon the final conditions and controls that are imposed. Today, rather than tomorrow when all is decided, is the ripest time for input. If we do not commit ourselves immediately to the development of a reasonable working model of conjugal visits we will be missing the best opportunity possible for shaping their future design.

Many of us are lulled into an unreal sense of what they'll be like. Our lady will come to the gate at the appointed hour. She will be made to feel comfortable and then will be genially escorted to the appropriate locale. There you will be waiting expectantly to greet her. Then you invite her into the conjugal abode. Inside there's refreshments, chairs, toilet, soft lights, and a large comfortable bed. Hours are spent in the private enjoyment of each other's company. Unfortunately it is a dream with little foundation.

In Mexico they already have conjugal visits. There were a few scenes of it in the movie Attica. Your wife, lover or hooker comes to the gate-house where she is greeted by a few ginning, leering, lecherous pigs. There she's to be searched in the name of security. Instead she is fondled, felt, pinched and probed in the name of perversity. Next whe goes to stand in line with the rest of the hookers. A long line extends from the doorway of a communal conjugal shack. In it there's a communal conjugal bed that reeks with a communal conjugal stench of sweat and sex. After ten minutes in the shack a guard kicks the door to rouse the couple from their pleasure to make room for the next.

The Mexican example serves descriptively to point to one of the many problems that could arise, namely dignity. Various people have various concerns about dignity, some more purient or Victorian than others. Will conjugal visits become a spectacle because of security reasons? Will our women be subjected to such invasions of their dignity so as to demean the whole purpose and intent of the visits? No doubt when conjugal visits are instituted, we will each have our personal conceptions of the faults and difficulties in the manner in which they are carried out.

This, of course, assumes that we will qualify for a visit. In the definition of conjugal we find reference to the married state. Will this mean that each of us will have to be married? What about common law marriages? Why not a girl friend? Or a boyfriend? What about hookers? One pertinent objection to the married criteria is that the emphasis on marriage could lead to quite a few quickie marriages. Elsewhere they could lead to more hoops to be jumped. But whatever the qualifications those that are unreasonable will only serve to detract from a program which could be very benificial.

Apart from qualifications other difficult questions both big and small will arise. In what setting will they be held? How long? How often? What security will there be? What privacy will there be? Who will pay for it? The issues are varied and complex. They demand attention. They will be decided upon by those in power, but to what end? Will it be a pound of flesh or an once?

These questions concerning conjugal visits will split and enrage the various decision factions. Public sentiment will raise a hue and cry over the molly-coddling of inmates. The administration will have its morass of paperwork, rationale, justifications and controls to bury the visits in. While the keys of security will be heard jangling in our cells, our loved ones homes, and as far back as Ottawa.

Left to themselves these factions could bury what is good, what is decent, and what is important to us in terms of conjugal visits. Our voice at the best of times is merely tolerated. If we are to let the issues be resolved by others, our voice will be a mere squeak against the system. Once the huge bureaucratic system is in motion we will

be left to oppose a juggernaut in it's course.

We must act now. We must talk. We must plan. We must give our ideas before it starts. We must be there to assit in the decision making process before everything is decided for us.

To win a reasonable bearing we would have to be reasonable. The consideration of the viewpoints of the various decision making groups is all important. All Questions from all viewpoints need to be incorporated in any discussion or proposal which is intended to persuade others of our views. In essence it amounts to credibility.

At Matsqui we are in a unique position. Besides our three hundred heads we have the resources of the University of Victoria. The most important resource we have with the University of Victoria is the potential aid of inmates and instructors in turning out an articulate and credible working model for conjugal visits.

This again is our proposal for the long term. With the aid of the population and whatever resources available, we will collect opinions, viewpoints, and suggestions to use in the construction of a reasonable working model for conjugal visits.

Those wishing to contribute contact: B. Andrews 2-S-10 or R. Milne 2-W-8

* **NOTE** * Anyone wishing to express their views on Conjugal visits aside from the prisoners' point of view, please send your material to: The Editor, TARPAPER MAGAZINE.

Graduation at Matsqui

On April 7th, 1979, Krzysztol Mielniszyn and Alexander S. Kozak graduated from the University of Victoria Program at the Matsqui Institution.

Krzysztol known as Chris, started university in the Prince Albert Penitentiary where only the first year courses were offered. In order to complete his studies, he transferred here to the Matsqui Institution via Drumheller Institute.

In regards to his graduation, his feelings are as follows: "I feel our graduation is not an end goal in itself but only a stepping stone towards higher degrees of education I would like to see more enrollment of new students in the University of Victoria program for in a large measure the success of one student depends on the participation of many."

Alexander S.Kozak is known to all his friends as Joe. Joe has a Bachelor of Arts (History Major), Faculty of Arts and Science, and a Certificate in Business Administration.

All this he has accomplished only through his dedication and hard work. And, all of this while 'behind the fence'. It is a very difficult thing to try and describe what a man puts himself through to better himself while incarcerated. Joe has put himself through a lot of changes. I am able to say this as I knew Joe on the ' outside ' and to have been able to witness his graduation has been one of my more pleasurable experiences. No more need be said as his credentials speak for themselves.

The following is Joe's Valedictory Address:

Fifteen or twenty years ago graduation from university was virtually a guaranteed ticket to the good life. This is no longer the case, which eventually leads us to question the motives behind the pursuit of higher education, especially in an institution such as Matsqui.

The reasons for enrolling in the U/Vic Program are as varied as the people who enroll. Somewhere, though, there is a thin thread of common interest. During the time I've spent at the Academic Centre, one common characteristic that I've noticed among the serious students is an ambition to succeed and to be recognized. Success in many quarters is still, unfortunately, measured in dollars and cents. To this end, while a degree is no longer a guarantee of middle-class income, it is viewed, nevertheless, as being a primary prerequisite. In other words those who have a degree have a head-start on those who haven't. The validity of such a view is debatable. Still, it remains as a strong source of motivation.

The other side of the success/recognition coin is also worth examing. After devoting years to actively seeking what they have been led to believe are the things most worthy of possessing (big cars, big houses and plenty of cash) many of the men here have found themselves not only in prison but without any of those material symbols of success. They learn that success and recognition can take a variety of forms. Young academics today have a tendency to distain the pursuit of possessions. Indeed, it has become fachionable among the young intellegentsia to wear poverty like a medal. In this group, verbosity is a greater asset than a new car. Some of our students have chosen acadecia for its own sake as a viable alternative. The measure of their success will be determined by their intellectual peers and they will be recognized sometime in the future for their contribution to the expansion of knowledge.

Whatever the personal reasons for going to university might be, it is quickly realized that the university experience is not an end but only a process of acquiring skills which may prove to be useful later in our lives. Please note that I said - "may prove to be useful." Let me explain. Proof lies in performance and both are contingent upon opportunities. So far, opportunities for students and graduates of this program have been most conspicuous by their absence. To this date, the U/Vic Program has produced 8 graduates. Of these, 6 are still in prison, 1 was released because his sentence had expired, and only 1 has been paroled. It seems that alot of talent is being wasted.

For a number of years there has been discussion of a need for an academic halfway house. The need is still there, and the words are still falling on deaf ears. We understand that the Solicitor-General's Dept. is about to embark on a construction program valued at 200 odd million dollars. That's alot of money to misinvest in buildings that will support programs which have already proven to be ineffective. By comparison, the acquisition price of a halfway house is approximately $100,000. I would think that if such a halfway house produced just one engineer, psychologist or chemist, then it would be a $100,000 well spent.

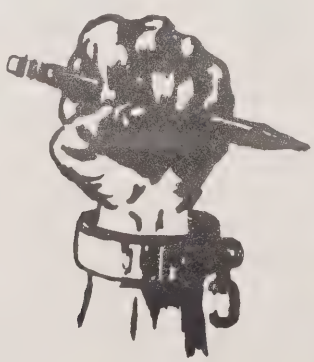
Some of our more militant students would argue that the system is designed to perpetuate failure, not success; that too many jobs are dependent on a good, healthy rate of recidivism; and that such a state of affairs is reflected by the nature of the curriculum here. Courses in the humanities and social sciences have taught us something about dealing with problems and possibilities, yet we know very little about applying solutions. Although this may not be altogether true, their point has some merit and can be illustrated by two minor examples. Our lives are increasingly dominated by electronic technology, yet during four years of university work, we were never introduced to the computer. We live in a country that has pretentions of bilingualism, yet our educational experience has not provided us with even a nodding acquaintance with the other official language.

These are all problems to be resolved in the future.

Today, we must acknowledge the benifets that we have derived from our tutelage. We have learned to plan, revise, and execute complex assignments in a responsible and relatively independent manner. We have learned to read efficiently; to write clearly and concisely. We have learned to communicate effectively, and we have learned why people do some of the things that they do. These are all important things. Even though this is only the beginning of our education, it is so much more than what we started with.

For those who follow us, we hope that you will gain something from our experiences. If there is one single lesson that is worth passing on to you, it is this: In your future efforts to expand your influence over factors which control the direction of this program, and ultimately your lives, be careful never to alienate anyone. Your adversaries must always be allowed to keep their self-esteem and dignity. Otherwise, you will find that what seemed to be an important victory, may turn into an issue of little consequence when compared to the series of defeats that quickly follow.

In conclusion, we thank the people responsible for starting this program and for their continued support; most notable among these are Dr. Parlett and Dr. Ayers. We thank our teachers, who are to be commended for their patience in the face of so many foolish notions. We thank our families, who unselfishly suffered and were so supportive through the anxieties associated with term papers and final exams. Finally, we thank you, ladies and gentlemen, for sharing this moment with us.



B.C.'s heroin treatment centr officially opens

BRANNAN LAKE — The provincial government's residential heroin treatment centre here had its official opening Thursday, complete with a cake, the cutting of a baby-blue ribbon — and one patient.

The patient was admitted to the 150-patient capacity facility near Nanaimo Monday. She was the second to volunteer for the controversial treatment program into which less-willing addicts can be forced under terms of the Heroin Treatment Act passed by the government last summer. The first volunteer already has been discharged.

Centre director Dr. John Higenbottam is optimistic the centre will soon fill up and said about 25 to 30 people have volunteered and are awaiting admission.

Thursday's opening ceremonies, put on mainly for the benefit of the public, included tours of the facility during which the stages of a patient's stay were outlined.

Patients start in the detoxification centre where they might stay for up to two weeks, in a single or double room. Methadone is used at this stage, but later the staff attempts to wean patients from the heroin substitute. Higenbottam said he hopes as few drugs as possible will be used as aids to treatment.

After the detoxification stage, patients start the kind of life they will experience for up to six months. Some addicts might be released at the end of the two weeks and go to outpatient units for further treatment. By the end of the year there will be 11 such units in B.C., including one in Victoria, one in Nanaimo, four in Vancouver and one each in Surrey, New Westminster and Chilliwack.

Higenbottam said the patients start in dormitories with six to 10 beds and gradually move to smaller rooms as they improve their adaptation to life without drugs. Daily activities include vocational and academic classes, handicrafts, structured recreation and social activities.

Brannan Lake will accomodate both men and women, but sleeping quarters will be segregated.

The tours of the facility included the detoxification centre, dormitories, classrooms and workshops. Although $100,000 has been spent to renovate the former juvenile detention facility and make it more comfortable and homelike, it still looks and smells like an institution. Cream-colored paint has replaced the dingy green but the atmosphere is quite sterile.

During much of Thursday's program the atmosphere was also strained, particularly when questions were raised about the compulsory aspect of the program with its related problems of security.

The compulsory part of the heroin treatment program has drawn more criticism than praise from the public, lawyers, doctors and social workers. At one point, Higenbottam was questioned about how effective a program could be if people were forced into it.

One reporter pointed out that groups such as Alcoholics Anonymous and Overeaters Anonymous stress an individual cannot really overcome a problem until he or she admits to having one and wants to deal with it.

But Higenbottam did not really explain how addicts will come to this state of mind when they are there against their will.

"We're hoping that as people progress through the program they will admit that they have a problem," he said. "There is evidence that people can benefit from the program even if they don't want to admit they have a problem."

And what happens when unwilling patients get back on the street after the six months at Brannan?

Higenbottam was optimistic that support staff at outpatient centres will be enough to keep them from returning to the drug culture. But he did not go into details about how the staff will do this, possibly because the details have not yet been worked out.

The question of visitors and the possible smuggling in of drugs was also raised. There is a tall wire fence around the grounds, supposedly to keep drugs from getting in. But B.C. Pen's stone walls do not stop marijuana and heroin from being brought in by visitors and, sometimes, staff, if recent inquiries are to be believed.

Higenbottam said patients will be allowed visitors, family at first, and later friends. He said that, although the act allows for the search of visitors, the centre will not take advantage of this.

Inmates will be checked for non-prescribed drugs by means of daily urinalysis. If a patient has ingested something he or she ought not to have visitors will be screened carefully, Higenbottam said.

Asked if physical restraints will be used on troublesome patients, Higenbottam said the staff would try to avoid it. Instead, sedatives would be used to calm the patient.

People who do break out of the facility when they have been ordered there by a judge might face a jail sentence, he said. But volunteers are free to leave when they wish.

The centre is also having problems finding staff with the right qualifications. Higenbottam said he is trying to recruit staff who have both good clinical skills and experience with addicts.

But Higenbottam himself, while possessing apparently good clinical skills, has had little experience with addicts, having worked, since earning his PhD in psychology at the University of Victoria in 1972, at institutes for the mentally retarded.

He said he worked with various drug problems in the psychiatric [illegible] hospital but has had no extensive experience in his new field.

No matter, said alcohol and drug commission chairman Bert Hoskins. Higenbottam, he said, is capable of adapting his skills to meet this situation.

There were more reporters than general public present at the opening. The people of Nanaimo, according to their mayor, Frank Ney, have come around to the idea of the centre near their city.

But no council members were present, even though a general invitation was issued in newspaper advertisements. Questioned about this, Ney speculated his council had failed to show up because of a regional district meeting the previous night.

About 10 protesters came to the ceremonies, according to one of them, Lillian Whyte. But apart from distributing leaflets they were undercover and a promised demonstration never materialized, possibly because of the heavy rain. The protesters were not overly eager to talk to the press.

The main questions in most reporters' minds went unanswered: How does the commission know the program will work when so many other treatment programs have failed? How do you convince a heroin addict, who after all shoots up because it feels good, that he or she is living "a life of misery and degradation" as McClelland put it?

And how can the commission justify a program that most legal people say deprives people of civil liberties by contending that the fact they are heroin users means they cannot responsibly exercise those liberties?

Many of the answers to these questions will come in the next year or two of operation, that is of course if the NDP does not win the election and shut down at least the compulsory part of the program.

The one patient at Brannan Lake Laurie, is there because she wants to be. The staff say she is doing well. But Laurie told a camera crew that while she wants to "kick the habit" she does not think the program will work if it is forced upon people because most of her addict friends don't want to give up drugs

Brannan Lake centre has been refurbished.

Trafficking ruled federal case

OTTAWA (CP) — The Supreme Court of Canada upheld federal authority Tuesday in ruling that the federal government has the right to prosecute drug traffickers under the Narcotics Control Act.

In a 5-to-2 decision, the Supreme Court overturned an Alberta court ruling, supported by all provincial attorneys-general except Manitoba, that the federal government had no authority in drug trafficking cases.

The Alberta Supreme Court had ruled last year that federal jurisdiction did not include violations under the Narcotics Act, regarded as a criminal matter under provincial control. The federal government appealed.

The jurisdictional dispute revolved around the arrest by the RCMP of Patrick Arnold Hauser in Red Deer, Alta., June 23, 1976. He was later charged with unlawful possession of narcotics for the purpose of trafficking.

Hauser had been indicted by the federal government without written agreement from the provincial attorney-general.

Before entering a plea, Hauser's lawyers attempted to quash the federal indictment on grounds it was "preferred by a person without lawful authority" and the judge did not have the jurisdiction to hear the case.

The judge dismissed the motion but an appeal to the Alberta Supreme Court was successful in suspending the proceedings.

The Supreme Court of Canada argued that "trade in drugs both legal and illicit constantly crosses national and provincial boundaries."

Mr. Justice Wishart Spence said the policy controlling drug distribution, investigation of violations and prosecutions "must be carried out by federal officials."

In the dissenting argument, Mr. Justice R.G.B. Dickson said the provincial attorney-general should retain supervisory functions in the administration of criminal justice.

Prior to 1969, federal authorities prosecuted narcotics and combines offences in the name of the provincial attorneys-general, he said.

But a Criminal Code definition change clouded the issue and gave the federal government room to push the provincial attorney-general aside, Mr. Justice Dickson said.

It was the first time the federal government had tried to exclude the provincial attorney-general from his supervisory role, Mr. Justice Dickson said.

Unique Electronic Security System . . .

New Psychiatric Centre Opens in Saskatoon

"This new Regional Psychiatric Centre in Saskatoon must surely be recognized as a product of one of the most unique partnerships in correctional history," **Donald R. Yeomans**, Commissioner of Corrections told his audience at the opening of the Centre November 14. "This progressive Psychiatric Centre was made possible through the combined initiatives of three sectors of Canadian society — the Government of Saskatchewan, the University of Saskatchewan and the Correctional Service of Canada. It is one of the most sophisticated psychiatric facilities in the world — the first to be designed and constructed in Canada exclusively for this purpose," he said.

The 106 bed, $10 million Centre is hailed as unique because it is affiliated with a university. It occupies a 55-acre site on University of Saskatchewan property about 2 1/2 kilometres from the main campus. It is designed to provide professional psychiatric care in a secure hospital setting to inmates from federal institutions in the Prairie Region and provincial institutions in Saskatchewan who require specialized treatment.

"There is another reason why the opening of this Centre is such an auspicious event: Saskatchewan has long been a leader in North America in providing innovative health care and social service programs. So it is only fitting that this new Centre be located in the province which pioneered community psychiatry," said the Commissioner.

The Centre will provide a rich learning environment to improve the standard of psychiatric services for mentally ill offenders. It will also act as a research centre where the dynamics of crime, its causation, treatment, rehabilitation and prevention, can be studied. These studies will provide important training and educational opportunities for all CCS staff as well as students of psychiatry, law, medicine, sociology and criminology," the Commissioner pointed out. Only acceptable treatment, which would be approved by psychiatric services in the community, will be given to patients. No experimental treatment will be used. Consent to treatment will always be obtained, except in cases of life-threatening emergency.

More than just a hospital, the Centre is also a maximum security institution with stringent security to ensure maximum protection for the public. Security was one of the major concerns of area residents, who in the initial stages of the project, petitioned against the Centre. The Centre's security system, featuring an electronic microwave design that has never before been used in a correctional system in Canada, was imported from Britain where it is widely used in prisons.

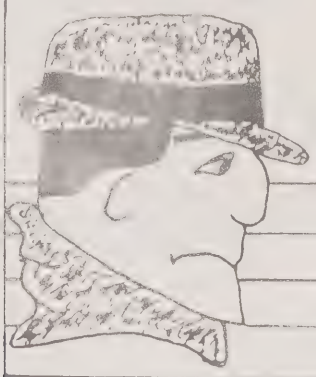
The electronic system is supposed to be failure-proof. Electronic cables, interwoven throughout the double 5.2 metre chain-link fences, are supersensitive and set off a signal in the control room if touched. An offender trying to cut his way out of the Centre would be unaware the signal was sounding. The perimeter is surrounded by a double chain-link fence which is further supported by an electronic detection system. There are other static security control posts at strategic locations throughout the Centre which serve to control the movement of inmates.

Female Correctional Officers

Regional Psychiatric Centre is also one of the first maximum security male institutions to employ female correctional officers.

Transfer of inmates from other institutions in the Prairies began in January but, according to Dr. **A.W. Weston**, the Centre's Medical Director, the process of filling the 106 beds will be slow initially. Mentally ill patients from Saskatchewan Penitentiary will be the first to arrive. The Centre will also admit patients referred under the Lieutenant-Governor's warrants — those found by the courts unfit to stand trial and not guilty by reason of insanity. It will also serve as an assessment centre for certain court referrals.

Crimestoppers Notebook



ROOKIES REMEMBER:

When frisking an inmates house, make sure to check the laundry. Both clean and dirty, you might find something that will earn you a promotion. Then again you might find.!%#?._!@!&#"!!?*:;"'"'!$?#!''''''''''''

...it only takes three weeks to a month to institutionalize a person...

...it takes about a year to de-institutionalize him...

...and this is what has been offered for years in the way of corrections...

"NOW FOR THE STIPULATIONS OF YOUR PAROLE"

IS THERE HOPE FOR MANKIND IN THIS WORLD OF DESPAIR?

"If two men were ever to truely work together, there would come about so much order on this planet that the rest of man-kind would flee into the universe in search of the comfort of chaos and confusion."

(Hermeralopia Strabisonis)

We live in an age when despair is considered fashionable, even chic; when human self-contempt has reached heights not known since the Dark Ages; and when it is considered naive to believe that anything good can be accomplished. Philosophers, psychologists, and politicians describe our times with words like anxiety, despair, conflict, hot war, cold war, and future shock. Social commentators tell us that our society is growing more and more mechanical, impersonal, and unsympathetic to human needs. Even in wealthy and relatively secure countries like the United States, American optomism has been hammered to death by incidents such as the Vietnam War and the scandal of ex-president Nixon. Incidents that made millions aware that their highest officials can be liars, thieves, and people don't know where, amid society's constant change and crass commercialism, to put their allegiance, where to rest their hearts, and where to find, a flicker of hope?

Perhaps part of man's despair can be traced back to the number of wars that have taken place since the turn of the century; World War I, World War II, Korea, and Vietnam, have just been a few. Also in the past few years there have been numerous ecological disasters such as earthquakes, floods, and droughts. These wars and disasters have contributed greatly to the slaughter and deaths of millions, and like embittered adolescents encountering the harshness of life for the first time, we are afraid to trust again or to entertain hope.

Another fault is man's competitive nature and greed that has produced large cities and skyscrapers. Oil spills, sulpher mines, sewage waste, and vehicle exhaust fumes are just a few more of man's great accomplishments. Yes, man has only to look around to see that his very existance is threatened with careless exploitation of the natural environment by profit motivated opportunists. Even the simplest life functions such as drinking water, eating, and breathing can now cause him anxiety because of the threat of pollution.

It is natural for man to want to feel useful and hopeful. Yet what hope is there for the man working on the assembly line at Fords in Detroit, or for the young man who can only get a job driving taxi-cab, (because of unemployment) after struggling for years to earn a University degree? Politicians are always promising a cure for unemployment and yet governments continue to squander the most precious resource we have--human brains--by condemning people to pointless jobs that are increasingly unnecessary and that are maintained only by labour unions fearful of lower wages. Perhaps this solution could be solved if man would fully accept unemployment as a natural condition of any advanced technological society. He can then automate everything that can be automated and return to what he was interested in, curious about, and excited by, before he entered the treadmill of slavery. We need only to remember that most of humanity's art, science, culture, and philosophy, has come from economically secure aristocrates.

There is evidence to support that our situation is every bit as hopeful as it is desperate. As Alvin Toffler noted in his famous book Future Shock, there are more scientists alive and working today than in all previous history combined, and this means that we will see more changes in the next two decades than in any one thousand years of the past. These changes need not be for the worse. If science gave us the atomic bombs that demolished Hiroshima and Nagasaki, science has also, for example, practically abolished smallpox in just ten years. If we believe that science will produce nothing but worse Hiroshimas, then that is likely to happen. If we believe that science can conquer every disease as it has vanquished smallpox, then that is also likely to

happen. After all, we put our money and our energy where our beliefs and hopes lead us.

The worse our present crises become the more the pressure increases on us all to find real solutions. We stand at the pivot of human evolution. We now have the technology to blow ourselves up seventeen hundred times over, thus rendering the planet absolutely sterile, destroying flowers, fish, birds, and everything else in a blaze of planetary madness. We also have, or are rapidly developing, the technology to form a utopia. A world without poverty, without national rivalries and wars, and without emotional twisting and vast wastage of intellegence. Any single act of love and hope may be the grain that tips the scale toward survival and, conversely, any single act of cruelty or injustice may be the grain that tips the scale the other way. We cannot evade or escape much longer. We have to take responsibility and stop laying the blame on the other guy. We are being forced to understand John Donne's deathless metaphor: "Ask not, then, for whom the Bell Tolls : It Tolls For Thee."

In closing, one must become aware that mankinds flicker of hope lies in the realization that every decade is a scientific milestone, which means that every year counts as well, and every month, every week, every day. Indeed, at this point, every act of our visions of glory or a step back toward the stupidity and self-despair that will destroy us all.

Acknowledgement for some of the materal for this essay must be given to "Alvin Toffler's FUTURE SHOCK and "Bhaktivedanta A.C. Prabhupada's" BACK TO GODHEAD.

Fight For Our Rights

nity with true Christian ethics any more than the Inquisition can be considered the hallmark of Catholicism. Overcrowding, understaffing, lack of proper facilities, general unavailability of programs and professional help, the indescriminate mixing of offenders, and the absence of a treatment program preclude the achievement of any rehabilitative goals set down by the Canadian Penitentiary Service. Inmates feel cheated and indeed the Canadian public is also being done a disservice, since most prisoners leave these penitentiaries more hardened than when they went in. Not only is this method of dealing with "hard-core" offenders becoming an increasingly expensive proposition, but it creates an environment in which existing human resources are under-utilized and opportunities for rehabilitation are wasted. It is under such circumstances that inmates of these institutions have risin to demand recognition of their basic human rights.

Recently this struggle has culminated in mass insurrections at the two most oppressive and decrepit penitentiaries in Canada. That violence would spread to even others of these dehumanizing institutions should not be at all surprising. When violence manifests itself, it is an ugly thing (witness the vivid scenes of destruction portrayed on the media). But there is a point beyond which violence must appear as the only alternative. After years of patient agitation for meaningful changes using all peaceful means possible — internal grievance procedures, appeals to prison authorities, politicians, and the courts, attempts to focus media attention on deteriorating conditions, and organizational efforts aimed at gaining a voice for inmates in decisions which will determine the direction of their own lives — that point has been reached in the Canadian Penitentiary system.

Nevertheless, it would be a mistake to look upon the occurrence of violence as an exceptional phenomenon for it has become an integral part of the system. It is true that historically in North America penitentiaries were established (through the initiative of the Quaker religious sect) as an alternative to the prevailing corporal punishments. Offenders were not to be physically assaulted but "merely" deprived of their liberty and subjected to an environment of isolation in which they were expected to do penitence for their sins against society. What is amazing is how from such a moral and high-sounding beginnings, seeds of violence should have appeared almost immediately. In practice the psychological violence of solitary confinement became the most common punitive measure. As well like today there was much overcrowding and mixing together of lesser offenders. The corrupting effects of this combination of circumstances were already readily apparent to De Tocqueville in his classic study Democracy in America. We are still living with the legacy of this system of confinement, the evils of which were well known by the mid-nineteenth century. In short, while the reformative spirit of the Quakers came to naught with the very inception of penitentiaries, the stone walls meant to house their ideals continued to spread and expand. The new nation of Canada lost no time in constructing its own fortresses for storing away prisoners, thereby setting in motion the pattern of dehumanization and institutionalized violence which [illegible] features of prison life, is the frequency of individual acts of violence increases, a situation which is barely tolerable at the best of times can quickly deteriorate to the point where it precipitates uprisings by inmates against the prison establishment. The system which has created such a climate of oppression becomes directly responsible for the counter-violence of those it oppresses.

But the latest episodes in this pathetic saga of injustice reflect even more than an understandable reflex reaction against the violence of the oppressor. The inmates at the B.C. and Laval Institutions were NOT engaged in mindless destruction. They were fighting for very specific goals, pushed into taking the way of last resort by a bureaucratic mountain of inaction and provocation. In the B.C. Penitentiary, through the heroic efforts of the prisoners' committee an explosive situation was kept under control a minor miracle in itself—and some much needed progress achieved without anyone being injured. The committee was in no position to prevent outbursts of vandalism. But since attacks on property disturb our bourgeois peace of mind so much, it would be well to remember that the sacred "property" involved was ridiculously ancient and to a large extent unfit for human habitation. Moreover, the taking of a hostage was perpetrated by only a handful of hostile men against the express position of the committee elected by the inmate population. It was only through tireless efforts of this committee that the safe release of the hostage was successfully negotiated and that further incidents of violence were prevented. The inmates in B.C. as well as Laval were trying to act in unison to show that they are men not mice, men who command the right to be treated as human beings with hearts and minds and a purpose for living. That is what acting responsibly really means. What a contrast with the system that breeds irresponsiblity, and lackeys of that system who thrust it willy-nilly upon their charges as if keeping them in a state of powerlessness (and hopelessness) were the grand solution to our penal problems. What an irony that our society demands protection for itself by resorting to institutionalized violence, and that the unions representing the guards, having lost touch with the progressive struggles of labour movement's own formative history, attempt to sabotage basic reforms and ally themselves instead to the forces of right-wing reaction. As a result, 'law and order' is divorced from justice and the term itself becomes debased into a redneck euphemism for stratified disorder. The rule of might (i.e. structures of unequal justice) masquerades as the rule of right.

A further irony is that the inmates who suffer most from society's repression are the very ones who are fighting most selflessly for improvements which will be for the good of all, including prison staff and ordinary citizens, not simply designed to meet a few individual needs. Prisoners are not advocating permissive morals or lax criminal laws. Rather they are appealing for justice and fairness and sanity, for the right to live and hope as real men not as mere statistics on the ledgers of senseless penal servitude. They have demonstrated a willingness to die for values which are shared by all members of society. This is the paramount truth behind the list of responsible and moderate demands presented by the B.C. inmates' committee during the recent uprising. In fact the first point of the agreement was the safety of the hostage not that of their fellow prisoners. Other points included (1) turning the inmates who held the hostage over to the RCMP; (2) no reprisals against inmates who caused damage; (3) transfer of inmates into habitable areas of the prison under the supervision of both the inmates' and the Citizens' Advisory Committees and the RCMP, and transfer of inmates to other institutions as soon as possible; (4) the use of the RCMP to move inmates in order to prevent guards from brutalizing participants in the insurrection as they did following the Kingston Penitentiary riot ot 1971, and (5) guaranteeing the continued existence of the Inmate and Citizens' Advisory Committees and their close contact with all inmates in the prison so that work with prison authorities could continue on a peaceful basis. It may appear strange that criminals are soliciting the assistance of a police force. However, the RCMP are functioning as a neutral law-enforcing agency as opposed to the guards, who by taking sides against inmates insist on being part of the problems effectively eliminating themselves from the petulance and extreme vehemence of their base attacks on the validity and morality (!) of the agreement signed by inmates, penitentiary service authorities, politicians, citizens, and the RCMP. The concessions made were indeed minor. At no time did inmates suggest changes in legal or security policies. They are simply asking for a voice in the course of their lives in prison.

The silent majority in Canada must wake up to reality, or face an intolerable situation ot its own making. There still exists much good will and a desire for genuine reform but it has yet to be mobilized to the extent that fundamental changes are actually

implemented. In the meantime, many politicians and ordinary citizens are failing to think for themselves, thereby contributing to a situation in which a vocal handfull of reactionaries are allowed to drown out the many voices of reason. A majority which passively follows the path of least resistance,—that is the most dangerous form of permissiveniess. Surely the lesson of Nazi Germany is not already forgotten. So it is alarming when in our supposedly liberal and democratic society we see widespread acquiescince to attitudes toward the weak and disadvantaged which border on neo-fascism. Those who need our help most -- in this case prisoners in maximum security penitentiaries — are the first to become scapegoats for society's ills. We are especially alarmed because the appalling state of ignorance regarding prison conditions in this country is a fertile ground for such vicious reactions. These are not the idle musings of bleeding hearts. We are not afraid to speak of violence. And if we do stand unequivocally with inmates in their struggle, we do not thereby condone their crimes any more than we condone the crimes which are being perpetrated against them by an inhuman system of incarceration. Nor do we thereby forget about the needs of the great majority of Canadians who have never been imprisoned. For as victims of oppressive structures liberate themselves their oppressors are also liberated to discover a new, non-repressive potential and to contribute to a better society for all. If offenders had professional staff and concerned citizens to work with instead of a brutalizing system to fight against, crime would be on the way to being solved, and not be, as it is now, the opening act of a spiral of violence in which nobody wins and everybody loses.

Writer's name with held by request.

According to Statistics Canada 1978 - 1979, the ratio of persons convicted of indictable offenses to each 100,000 population 16 years of age and over, by province, 1973 was as follows:

British Columbia	514
Ontario	417
Manitoba	395
Saskatchewan	354
Nova Scotia	342
New Brunswick	226
Newfoundland	158
Prince Edward Island	42

NOTE: These data were provided by the judicial systems of the provinces. Quebec and Alberta did not submit returns.

With The 'Lucasville 14'

Beginning August 12, 1977 a group of Ohio prisoners submitted their formal renunciation of United States citizenship and demanded that they be permitted to leave the country. Known as the Lucasville 14 because they were prisoners in the Southern Correctional Facility at Lucasville, five members of the group have dramatized their cause by cutting off one or more fingers and mailing them to government officials and in desperation three of them have attempted suicide. Recently an international committee has been formed to defend and support the Lucasville 14. The following is an interview by correspondence with David L.Cattano of the group responding to questions sent to him by Larry Gara.

GARA: Who are the "Lucasville 14" and what is their objective?

CATTANO: We are a group of prisoners from prisons across the United States who have renounced our U.S. citizenship and demanded that we be allowed to leave the U.S., pursuant to the various international laws and treaties on human rights that have been endorsed by the U.S. We began as a small group of prisoners here at Lucasville prison and gradually our number grew to 14 including women at the Marysville, Ohio prison for women. There were 14 prisoners involved at the time the first finger was cut off and mailed to Patricia Derian, Assistant Secretary of State for Human Rights and Humanitarian Affairs, on November 29, 1977, that is when we became known as the "Lucasville 14". This is sort of a misleading title now though because prisoners have renounced their citizenship and joined this struggle from across the U.S. in both state and federal prisons since that time.

GARA: What international laws and treaties on human rights give a person the right to renounce their citizenship and how do they apply to prisoners in the United States?

CATTANO: We rely on the Charter of the United Nations, the Universal Declaration of Human Rights and the Helsinki Agreement on Human Rights as the authorities protecting our human right to change our nationalities. These International Covenants on Human Rights apply to every human person without distinction, this includes prisoners.

GARA: What was the government's response to the renunciation of citizenship?

CATTANO: The U.S. Department of State responded to each of our renunciations of citizenship by informing us that "NO" citizen of the United States would be allowed to renounce their citizenship while present within the U.S. or any of its territories. The authority cited, by the Department of State, as prohibiting our renuciation is the, anticommunist Immigration and Nationality Act. After the second finger was cut off and mailed to U.S. Attorney General, Griffin Bell, the Department to State sent two Justice Department attorneys to interview each of us. They offered each of us various deals to get us to recant our renunciations of citizenship. I can say with a lot of pride that every prisoner interviewed told them flatly "no deals." They informed us then that we would never be allowed to renounce our citizenship and leave the United States a " political dissidents" from prison or anywhere else.

GARA: What tactics have the "Lucasville 14" used to protest the Department of State's refusal to honor their renunciation of citizenship?

CATTANO: We have written thousands of letters to government officials, including President Carter, protesting being held to enforced citizenship and when the letters failed to bring and positive

results or efforts, by the government to resolve the matter we began cutting off our fingers and mailing them to government officials. This tactic aroused a lot of international media attention and placed the government in a position where they could no longer ignore us. We have cut off a total of six fingers. I've cut one from each hand.

GARA: How did they arrive at the decision to mutilate themselves by cutting off their fingers and sending them to government officials?

CATTANO: This was not a group decision and no one was asked to do it. We had discussed the various possible protests we could conduct, including the cutting off of our fingers and mailing them to government officials. Those of us who thought it was an appropiate protest and were capable of doing it to ourselves did it. Although there are more of us willing to cut off a finger we hope that the forming of the International Committee to Defend the Lucasville 14 will make further acts of self-mutulation unnecessary. If it should become necessary we will not hesitate to send President Carter another finger, or as many as we need to send.

GARA: What has been the official response to this form of protest?

CATTANO: The official response has been typically reactionary. Some of us have been beaten, thrown in strip cells, placed in long term isolation, etc. The most illustrative example of the reactionary tactics used to silence us occurred in February of 1978. On February 21, 1978, I cut off my second finger, Richard Armstrong attempted to cut off his second finger at the same time but was stopped by prison guards. Prior to doing this we informed certain members of the news media of the exact day and time that we would do it. The administration threw is in strip cells in the prison infirmary and refused to allow us to write letters or have any other contact with the outside. The newspaper reporters showed up here at the prison to interview us and were told by Warden Arnold Rufus Jago that we were "off limits" to the news media because we were undergoing psychiatric treatment which was a lie. We've recently obtained, through the Freedom of Information Act, copies of most of the files that the government has compiled on us. From these documents it is clear that the government's sole objective is to silence us before we become an embarrassment to the President or the Department of State.

GARA: Does the whole group share any political phlosophy and if so what is it?

CATTANO: No, the whole group does not share any particular political philosophy, however, Shirley Keller, Richard Armstrong and I are Communists and probably some of the others are also. The majority though are apolitical. What we all do have in common is the treatment we have received at the hands of a system of justice wherein justice is administered according to the size of one's bank account and the desire to leave this country where human, civil and constitutional rights are commodities available only to the highest bidders.

GARA: How did such a dissident prisoner group happen to include men and women at different institutions?

CATTANO: As I said, this struggle began with just a few prisoners here at Lucasville Prison. There was no simultaneous mass renunciation of citizenship from several prisons at once. As word spread about what we were doing others decided to join the struggle. It grew and expanded naturally the same as any other struggle grows and expands from an idea to a mass movement.

GARA: What is the function of the newly formed International Committee to Defend the Lucasville 14?

CATTANO: The Committee has numerous functions, but its primary functions are to publicize our struggle, organize our support on an international level, organize all the prisoners involved and to coordinate the movement. We feel that the Committee is the key to keeping up an effective struggle and in keeping up the momentum we have gained by cutting off our fingers.

In one day last September attorneys for the Prisoners' Union argued three cases before the court, cases that may have a profound impact upon the future of the Union and the prison system. One involved prisoners' rights to establish groups, another concerned their right to wear the Union button, and the third had to do with the Union's right to correspond with prisoners.

On Sept. 5 the California Supreme court docket carried three cases concerning the rights of state prisoners. **In re Price** involved the right of Prisoners Union members to establish a formal activity group in prison, and to hold meetings of the membership. **In re Reynolds** involved the right of prison inmates to wear Prisoners Union buttons: and **In re Brandt** involved a parolee's right to correspond with prison inmates in his capacity as an official of the Prisoners Union.

Approximately 3000 state prisoners in California are members of the Prisoners Union, about 300 (of whom 40 are dues-paying members) incarcerated in the Soledad Facility where the controversy arose. The organization has a formal corporate structure, and membership outside the institution which includes former inmates.

The Prisoner's Union proclaims the following goals:

1) to collectively bargain with the correctional department, support convict-initiated prison change, and seek redress for convict grievances (the Union defines collective bargaining in the prison context as the right to meet and confer or to negotiate grievances through peaceful and rational persuasion, with prohibition of the traditional strike as a bargaining weapon);

2) to end economic exploitation by gaining the right to a prevailing wage for all work done in prison;

3) to restore civil and human rights to convicts and ex-convicts.

California law under Penal Code S2600 provides that a state prisoner may be deprived of constitutional rights, such as the right of association involved here, only when "necessary in order to provide for the reasonable security of the institution...and the reasonable protection of the public."

Against and for the Union.

On grounds of that particular Penal Code section, the Director of Corrections has refused to allow formal association of Union members, and has refused to allow the wearing of Union pins. The stated fear is that pressure would be exerted on other inmates to join and vote on Union policy, infiltration by illegal inmate gangs, decline of discipline, and increased potential for violence.

Those wishing to establish the Union counter that exertion of pressure on other inmates to join would not occur, that voting would be subject to secret ballot and thus not subject to coercion, that gangs would not attempt to infiltrate because of the Union's openness and lawful methods, that communication between prisoners and staff would improve, that prisoner frustrations would be alleviated through the mutual aid and support supplied by the association, and that overall potential for violence would be diminished.

It should be noted that just last year the U.S. Supreme Court, in **Jones v. N.C. Prisoner's Union**, held that whenever in the opinion of prison officials a union or organization would constitute a threat to the security of the prison, that the organization may be barred, unless the officials are "conclusively proved to be wrong." At issue in the California cases is whether or not a different standard is to be applied under California law (which holds, under P.C. 2600, that the right to meet and confer may be deprived only when necessary to provide for reasonable security).

A strong Union argument.

Before the Supreme Court Michael Snedeker put on an eloquent argument in favor of allowing the Prisoners Union (the **Price** and **Reynolds** cases were argued together), while a Mr. Knudsen of the Attorney General's office was put to shame.

Snedeker reminded the court that the extent of the restriction must be weighed against the need for the restriction, and that in this case the extent of the restriction was absolute though there was no basis for the restriction as a meeting had never been held. Snedeker also noted that reasonable alternative means exist for dealing with any undesirable conduct—a series of mechanisms have been devised to insure orderly conduct, and the organization could always be disbanded or its activities restricted.

In closing Snedeker said that to allow the Prisoners Union could be the most exciting thing that ever happened in the prisons, because of the commitment of the prisoners and the officials to collective bargaining—the give and take of information and sentiments about what is going on in the prison. The only thing working against this positive change, he said, is a series of abstract, disembodied claims that violence will break out. Fear of violence has always been used to suppress prison activities—in earlier years even visits from law students and law review articles were prohibited from prisons on grounds of being a threat to the institution.

Knudsen's main argument against the Prisoners Union was the potential for violence. Justice Tobriner immediately asked, "Why would the potential for violence be present where people are meeting to discuss conditions?" And he added that suppressed feelings of being mistreated would have greater potential for violence.

Justice Newman asked Knudsen what legislative history showed the intent of the legislature to be in drafting P.C. 2600, but Knudsen had not done his homework on that issue and couldn't respond. Knudsen also knew nothing about labor history, so Justice Newman told him that the same defense—potential for violence—had been used to prevent all other kinds of unions. Newman went on to say that all positive prison change has taken place in the courts, and that the AG's office has always argued against change using the same argument: threat to prison security.

Analyzing the court's response.

All in all, it came out looking good for those in favor of the Prisoners Union. Roney Nunes, P.U. president, was all smiles after the arguments. He said that Justice Tobriner and Newman appeared in favor of the Union, that he knew Justice Manuel to be a supporter of the Prisoners Union idea, and that he didn't see how Chief Justice Bird could go against it. Justice Mosk could go either way, while Justices Richardson and Clark are the archconservatives of the court and thus will undoubtedly consider the P.U. a threat to prison security. No doubt the decision will not come down until sometime after election day.

The **Brandt** case was the last to be heard, and was somewhat anti-climactic after **Price** and **Reynolds**. The question was, can a parolee communicate with inmates? Willie Brandt, in his capacity as a P.U. organizer, wished to send mail to all inmates at Soledad, but was refused permission by the Director of Corrections.

The AG counsel claimed such mail to be a threat and also stated that the Dept. of Corrections had "good reasons for forcing an inmate to break his ties with prisoners once out."

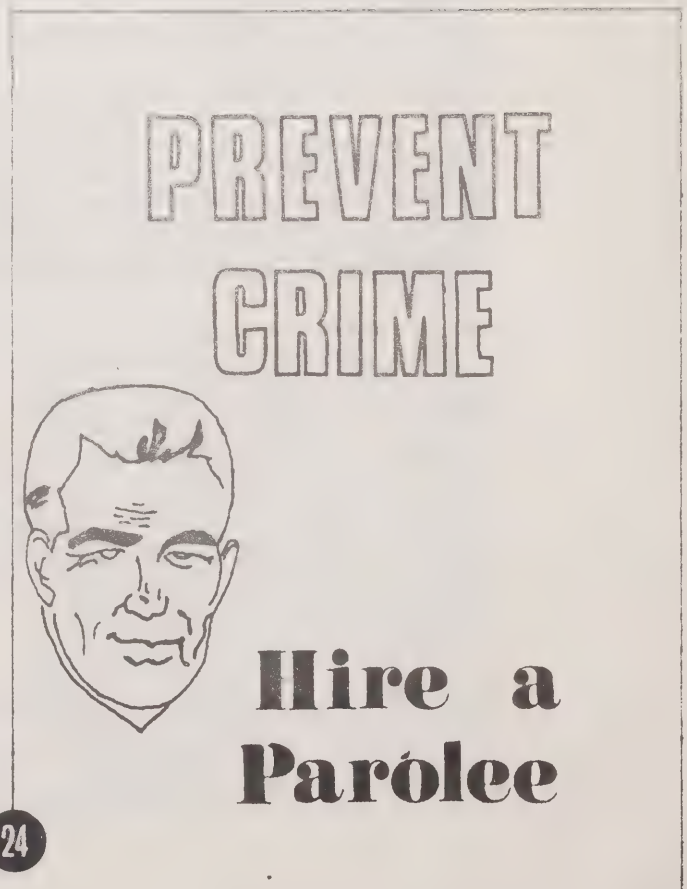
Some intensive questions.

Chief Justice Bird asked, "What is the danger since you can read all incoming mail?" The AG deputy replied that all mail is not read (because of the quantity) and that there was danger of gang influence and drug exchanges between inmates and parolees.

Justice Newman wondered aloud why the talk about gangs and drugs was being used as reason not to allow the communication, when the issue is a parolee who was an organizer of the Prisoners Union where no drugs or gangs are involved.

Once again the AG's office did not look good as it could present no adequate reason for refusing to allow communication between inmates and parolees, particularly considering that the prison can open and censor any mail it feels might be "dangerous."

This article is reprinted from the Sept. 19, 1978 issue of The Advocate, **the newspaper of the UC Davis School of Law.**



POETRY

THE SMOKE OFF

In the laid-back California town of sunny San Rafael
Lived a girl named Pearley Sweetcake, you prob'ly knew her well
She'd been stoned fifteen of her eighteen years and the story was widely told
That she could smoke 'em faster than anyone could roll
Her legend finally reached New York, that Grove Street walk-up flat
Where dwelt the Calistoga Kid, a beatnik from the past
With long browned lightnin' fingers he takes a cultured toke
And says, "Hell, I can roll 'em faster, Jim than any chick can smoke!"

So a note gets sent to San Rafael, "For the Championship of the World
The Kid demands a smoke off'" "Well bring him on" says Pearl,
"I'll grind his fingers off his hands, he'll roll until he drops!"
Says Calistoga, "I'll smoke that twist till she blows up and pops!"
So they rent out Yankee Stadium and the word is quickly spread
Come one, come all, who walk or crawl, price-just two lids a head
And from every town and hamlet, over land and sea they speed
The world's greatest dopers, with the world's greatest weed
Hashishers from Morrocco, hemp smokers from Peru
And the Shamnicks from Bagun who puff the deadly Pugaroo
And those they call it Light of Life and those who call it boo.

See the dealers and their ladies wearing turquoise, lace and leather
See the narcos and the closet smokers puffin' all together
Fom the teenies who smoke legal to the ones who've done some time
To the old man who smoked "reefers" back before it was a crime
And the grand old house that Ruth built is filled with smoke and cries
Of fifty thousand screaming heads all stoned out of their minds
And they play the national anthem and the crowd lets out a roar
As the spotlight hits the Kid and Pearl, ready for their smokin' war
At a table piled high with grass, as high as a mountain peak
Just tops and buds of the rarest flowers not one stem, branch or seed

Maui Wowie, Panama Red and Acapulco Gold
Kif from East Afghanistan and rare Alaskan Cold
Sticks from Thailand. Ganja from the Islands, Bangkok's Bloomin' Best
And some of that wet imported shit that capsized off Key West
Oaxacan tops and Kenya Bhang and Riviera Fleurs
And that rare Manhattan Silver that grows down in the New York sewers
And there's bubblin' ice cold lemonade and sweet grapes by the bunches
There's Hershey's bars and Oreos, 'case anybody gets the munchies
And the Calistoga Kid he sneers, and Pearley she just grins
And the drums roll low and the crowd yells, "GO!" and the world's first Smoke off! begins

Kid flicks his magic fingers once and ZAP!! that first joint's rolled
Pearl takes one drag with her mighty lungs and WHOOSH! that roach is cold
Then the Kid he rolls his Super Bomb that'd paralyze a moose
And Pearley takes one super hit and SLURP! that bomb's defused
Then he rolls three in just ten seconds and she smokes 'em up in nine
And everyone sits back and says, "This just might take some time."
See the blur of flying fingers, see the red coal burnin' bright
As the night turns into morning and the morning fades to night
And the autumn turns to summer and a whole damn year is gone
But the two still sit on that roach-filled stage, smokin' and rollin' on
With tremblin' hands he rolls his jays with fingers blue and stiff
She coughs and stares with bloodshot gaze, and puffs through blistered lips
And as she reaches out her hand for another stick of gold
The Kid he gasps, "Goddamn it bitch, there's nothin' left to roll!"
"Nothin' left to roll?" screams Pearl. "Is this some kind of twisted joke?"
"I didn't come here to fuck around, man, I came here to SMOKE!"
And she reaches 'cross the table and she grabs his bony sleeves
And she crumbles his body between her hands like dries and brittle leaves
Flickin' out his teeth and bones like uesless stems and seeds
Then she rolls him in a Zig Zag and lights him like a roach
And the fastest man with the fastest hands goes up in a puff of smoke.

In the laid-Back California town of sunny San Rafael
Lives a girl named Pearley Sweetcake, you prob'ly know her well
She's been stoned twenty-one of her twenty-four years, and the story's widely told
How she still can smoke them faster than anyone can roll
While off in New York City, on a street that has no name
There's the hands of the Calistoga Kid in the Viper Hall of Fame
And underneath his fingers there's a little golden scroll
That says, "Beware of Be'in the Roller When There's Nothin' Left to Roll."

HARVEY WARDEN

FOOL'S DREAMS

I dreamt of far away places
And of your love that I had won
Your laughing eyes and hair of silk
We spoke of love and all the gifts of life

But then I awoke and saw the walls
And I realized that I had lost
Lost my freedom and your love
Left alone with only dreams

Dreams belong to the fools in the world
So fuck the world and leave it to the fools
Because in here, the only dream is tomorrow
And tomorrow could turn out to be another today

AL ODA

MOVING ON

down through
roadwaves of kind
King Butter

and you face is
June
when summer assaults

July
with sommersaults
of
Sun

WINDPAINTER

Wind science silences
hire gold Sunluggage
for cloud
swallow canvas

and sail
artist shades of
daydream China
in a wave

of Sunfish
machinery

the bonfire
surface burglers
who bukle
under curtain

curls of the
rain.

RONNIE MILNE

LOST LOVE

You stole my heart and with it
my soul
I had to have you with me
no matter what
I even gave up all the others
for only you
I went so far as to tell you
the secrets of my life

We even lived a life of happiness
for awhile
I went and turned down offers from
other game
They all told me that I'd lost my touch
as a Player
They were right, for I fell in love

Then one day I had to go away
but so did you
I waited patiently for you to come
to come to me
To tell me that you cared and loved me
but you never came

And now your gone and with you my dreams
your out of my life
At least for now I feel that you are
cause you are gone
They say that once you've been in love
you can never forget
Well, they were wrong, and yet, they were so right

I guess I never will really forget you
but I also know
When I meet and find that someone else
you won't matter any more

AL ODA

SUPER PIMP

The heart pounds, lights flash, and the brain swirls
For I have entered
Yes, it is I, Your Prince.
I, the one who commands you,
You, who will succumb to my wishes
You, who will lie and cheat and steal
Just so you can be with me
Others also do the same for me
If you ever leave me
You will never forget me
And one day, you will again seek me
And once again, you will belong to me
Even those who have never seen me
They too all ask about me
And, they will also someday belong to me
Who am I, What am I, to be able
To control so many
I am your Master, I am your Prince,
I am COCAINE!

AL ODA

THE GUN

Some lost and lonely soul out there
Has one pointed at a soft thick wall,
Thinking.

Thot shot more people than passion
On the main line
Living.

Spraying patterns of human mortality
In paisley designs, why it's almost
Art.

Collecting collective rage and belligerance
Thot shot more than its' share in
Time.

Better to kick shit than eat it,
Ignore the truth, perhaps it will
Disappear.

The major social nutrient is shit
On the main line, and surrogate
Violence.

Shake them or fuck them or outsmart them
But don't shoot them, after all dead is pretty
Permanent.

Besides, fate is a fickle woman
And you just never know who's got
The gun.

RICHARD WILSON

PREDATOR

Above the grey shadows the owl circles infinity. Now, through the grey shroud, a shape steals on poised feet. It moves swiftly into the circle of clear golden light and freezes. A jet black silhouette. Now casting its' senses thru the night like a fisherman on still waters. On the instant it cocks its' head in a gesture to the rear, and moves silently from the stark light to the darkness.

Quickly now, another glides smoothly from black safety to the center of the vulnerable golden light. It too freezes, a still form etched in black ice. Reassured by a survey of the surrounding terrain it mimics the others movement to the shifting shadows behind. And moves into the sanctuary of darkness with a speed born of fear.

Within the grey shadows moves yet another. Pacing, and somehow hesitant, indecisive. Soft thru the night void then, a keening cry from the safety so close at hand. At length, the entity begins to move cautiously towards the light.

Towards the silent, invisible, and lethal descent of the owl. The wise, patient, and hungry owl. The rising shriek dies in a sharp snap of reality. On the silent black night air all to be heard is the fading music of powerful wings in full flight.

RICHARD WILSON

MATSQUE

Walls
Soaked with time,
Not of age,
But of lost dreams
And
Strangled half thoughts
Buried in boredom,
Leaving faceless people
Staring through
Blind eyes
At their self-made
Degradation

THE ROSE

I looked upon a rose
Of deep red hues,
On it's petals glistened
The early morning dew

I couldn't help but gently
Touch it to my lips,
And the dew
I slowly took in sips

Then gently and so
Very, very carefully
I plucked it from it's stem
Oh so very tenderly

Then dropped it
To the soft green grass
And stomped it
To a pulpy dead mass

DAY BY DAY

Day by day
I serve my time
And I see
The prison system slime

Where harassment
Is a daily game
And rehabilitation
Is the prison systems shame

Crawling on his knees
I see my fellow man
It's all part
Of the prison systems plan

They kick you
Til you break and run
Your mind snaps
Again the prison system won

But we must fight
To stay upon our feet
And someday I pray
The prison system we'll defeat

You said lets go
And make love
But how can we make love
When we don't know
What it is
I'll tell you what
Lets just go and Fuck!

FRED J. MORRY

The following poem was sent in to TARPAPER by Mr. Dave Harrison of Vancouver, B.C. This poem was composed by his 16 year old step-daughter.

THE CAGE

It's life is dull sitting in a cage
Sitting there dying of lonely old age
Can't move around, can't be free
Sometimes it reminds me of me
Dying alone with no one to care
Sitting with no one, no thoughts to share
I wish I could let it out
To let it sing, and to shout
Fight the cage and let yourself go!
Let them know something to show
Fight for your freedom and tell them to see
That you're no different from him or me
Don't just sit there in your cage
To die and rot of lonely old age
You've got plenty to do and plenty to see
Yell for your freedom and yell for the key

DEANNA RENFREW

Crime and the State

Lawbreakers are everywhere, safeguarding their loot or their perks from critical inspection. In any rush hour crowd you will find them: the clerk with his briefcase full of office stationery; the salesman with his bogus expenses form; the student with her silver paper pellet of pot; the firm's buyer with her Christmas bottle of Scotch; the self-employed wondering how much he can get away with on his income tax form. In certain studies, where individuals have given details of their criminal activities in complete confidence, it has been shown that not only have most subjects broken the law quite regularly, but some of the offences were severe enough to merit prison sentences. A New York City study found that 89 per cent of subjects admitted to theft, 49 per cent to assault and 35 per cent to concealed weapons.

When the question is pushed home as to who are the lawbreakers, it's you and me as well. There is no such thing as the 'common criminal'. To a greater or lesser degree most people have fiddled something somewhere along the line. Only it's easier for some of us to conceal our misdeeds. So pronouncements about getting tough with the criminals should be treated cautiously, as cautiously as stones in glass houses.

Of course crime means different things to different people. Lawbreaking need not be thought of as criminal unless it is treated as such by the offender's acquaintances. The potsmoker's friends know it is illegal but don't recognize it as serious. The wife of the clerk knows where the household stationery comes from, but is unlikely to spend sleepless nights waiting for a heavy knock on the door. What it boils down to is that crimes only become important when they are judged so by acquaintances, the legal system and ultimately, society.

That legal system is there to curb acts seen as damaging to the community. Laws are flexible and can be changed – one study estimated that 76 per cent of prisoners in America in 1931 had been convicted of offences which were not illegal 16 years earlier. We should not acquiesce in a legal system which highlights the crimes of drugtaking, pornography or picket-line behaviour – affecting only small groups of people as they do – when in the shadows lie the far greater numbers of the unemployed, the casualties of poverty (whether old people dying from lack of warmth or babies expiring for lack of primary health care), and the embittered victims of racism. It's a crime that people are treated like this. We should be pushing these offences into the public eye and campaigning for such injustices to be outlawed.

Concern about crime should also be concern about what is defined as such and acted upon. It means more than referral to the bookshelves to consult the niceties of common law adjudication or clauses in Parliamentary legislation. All action which results in social injury is criminal behaviour. Our legal systems should adopt such values and implement them fully and impartially.

For crime is the denial of politically defined human rights – the egalitarian rights of decent food and shelter, of human dignity and self determination; no matter what the religion, sex, race or class. The sentiments come trippingly off the tongue, they can even appear banal to the cynic and the sophisticate, they are none the less important for that. And sadly enough, crimes of the first order are being committed daily to women, to blacks, to the unemployed and to the wretched of the earth, that never make the headlines, or are ever officially illegal.

Wherever such illegality occurs, and it exists in most places, the state and the legal apparatus, rather than directing investigations, should be the central focus of pressure and attention. The Americans Friends Service Committee put it this way:

"Actions that clearly ought to be labelled 'criminal', because they bring the greatest harm to the greatest number are in fact, accomplished officially by agencies of government. The overwhelming number of murders in this century have been committed by governments in wartime. Hundreds of unlawful killings by police go unprosecuted each year. The largest forceful acquisitions of property in the United States have been the thefts of land guaranteed by treaty to Indian tribes, thefts sponsored by the government ... Civil rights demonstrators, struggling to exercise their constitutional rights have been repeatedly beaten and harrassed by police and sheriffs. And in the Vietnam war, America violated its own Constitution and international law."

The Friends have hit the nail on the head. ■

EREWHON : Samuel Butler

Novelist Samuel Butler wrote a satirical novel, EREWHON, about a country in which the penal system was interestingly different from ours. In EREWHON people who perform criminal acts, such as defrauding insurance companies, committing murder, and so forth are treated as we treat the ill. On the other hand, people who are sick are prosecuted in the courts and punished as we punish criminals. The following is a description of a trial in EREWHON:

The prisoner was placed in the dock and jurors were sworn in much as in Europe; almost all of our modes of procedure were reproduced even to requiring the prisoner to plead guilty or not guilty. He pleaded not guilty, and the case proceeded. The evidence of the prosecution was very strong, but I must do the court the justice to observe that the trial was absolutely impartial.

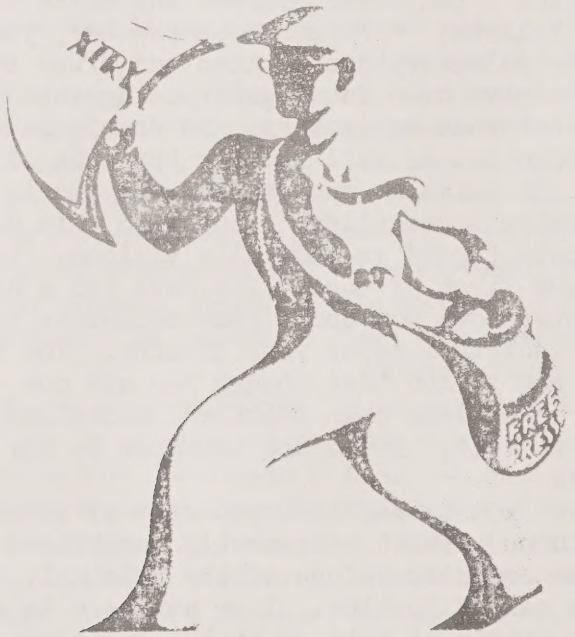
The summing up of the judge was admirable. He dwelt upon every point that could be construed in favor of the prisoner, but as he proceeded it became clear that the evidence was too convincing to admit of doubt and there was but one opinion in the court as to the impending verdict when the jury retired from the box. They were absent for about ten minutes and on their return the foreman pronounced the prisoner guilty. There was a faint murmur of applause that was instantly repressed. The judge then proceeded to pronounce sentence in words which I can never forget and which I copied out into a notebook....The sentence was as follows: " Prisoner at the bar, you have been accused of a great crime of laboring under pulmonary consumption and after an impartial trial before a jury of your countrymen you have been found guilty. Against the justice of the verdict I can say nothing. The evidence against you is conclusive and it only remains for me to pass such a sentence upon you as will satisfy the ends of the law. That sentence must be a very severe one. It pains me much to see one who is yet so young and whose prospects in life were otherwise so excellent brought to this distressing condition by a constitution which I can only regard as radically vicious; but yours is no case for compassion. This is not your first offence. You have led a career of crime and have only profitted by the leniency shown you upon past occasions to offend yet more seriously against the laws and institutions of your country. You were convicted of aggravated bronchitis last year and I find that though you are now only twenty-three years old you have been in prison on no less than fourteen occasions for illnesses of a more or less hateful character; in fact, it is not too much to say that you have spent the greater part of life in jail.

" It is all very well for you to say that you came of unhealthy parents and had a severe accident in your childhood which permanently undermined your constitution; excuses such as these are the ordinary refuge of the criminal; but they cannot for one moment be listened to by the ear of justice. I am not here to enter upon curious metaphysical questions as to the origin of this or that - questions to which there would be no end were their introduction tolerated and which would result in throwing the only guilt upon the tissues of the primordial cell or upon the elementary gasses. There is no question of how you came to be wicked but only this - namely, are you wicked or not? This has been decided in the affirmative, neither can I hesitate for a single moment to say that it has been decided justly. You are a bad and dangerous person and stand branded in the eyes of your fellow countrymen with one of the most heinous known offenses. You may say that it is not your fault. The answer is ready enough at hand and it anounts to this - that if you had been born of healthy and well-to-do parents and been well taken care of when you were a child you would never have offended against the laws of your country nor found yourself in your present position. If you tell me that you had no hand in your parentage and that it was therefore unjust to lay these things to your charge, I answer that whether your being in a consumption is your fault or no, it is a fault in you and it is my duty to see that against such faults as this the commonwealth shall be protected. You may say that it is your misfortune to be a criminal; I answer that it is your crime to be unfortunate.

The refusal of the judge to enter into a consideration of "curious metaphysical questions" amounts to a refusal to see the incongruity of his position. Obviously, he accepts the thesis of determinism; consequently, he should admit that it is not the prisoner's fault that he is ill. It is not the prisoner's fault because his condition is the inevitable causal consequence of factors beyond his control. Thus, it is absolutely unreasonable to hold the prisoner responsible for his state of health or to sentence him to be punished.

If, however, Butler is correct, our penal system is as unreasonable as the penal system of EREWHON, for our judges sentence people to be punished for criminal actions when, determinism being true, what a person does is no more his fault than having consumption was the fault of the prisoner in EREWHON. Both the criminal action in our society and the criminal illness in EREWHON are the outcome of causal processes that the criminal is powerless to prevent. It is not up to a person whether those processes occur. Consequently, neither can he be said to be responsible.

This line of thought has led some men to a very humanitarian outlook. For example Clarence Darrow, a famous lawyer, often defended people who were being tried for a crime punishable by execution by appealing to the thesis of determinism. His appeal was based on the common ground that we share with the criminal. For if the behavior of the criminal is the outcome of such causal factors as hereditary and babyhood environment, so is the behavior of the man who sits in the jury box.



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